

## **COMMITTEE ON TOURISM AND OUTDOOR RECREATION**

### **Testimony on House Bill 4781**

**September 6, 2017**

Committee Chair Hughes and distinguished members of the Committee, I appreciate the opportunity to address you regarding this important bill pertaining to electronic bicycles, HB 4781.

My name is Jason Aric Jones, and I am the Advocacy Committee Chairman for the Michigan Mountain Biking Association (MMBA), a collective of 11 different mountain biking clubs spanning from the tip of the Keweenaw Peninsula to the southernmost counties of the Lower Peninsula, and all places in between.

It is important to note the stakeholder base our organization represents. We represent thousands of cyclists, but our version of cycling is rather unique. Our riding focus is not on traversing Michigan's roadways or linear pathways such as those comprising the exciting new Iron Belle Trail cycling route. While many of our members also engage in riding on roads and linear trails as well, our trails – our "mountain biking" trails – are very different.

Unlike the linear biking and "rail" trails about which you most frequently hear, our trails are more reminiscent of traditional hiking trails. Indeed, many of them began primarily as hiking trails and are now shared use. They are characterized by natural surfaces – dirt, often with an abundance of rocks and roots scattered about on the trail tread. They are anything but linear and are definitely not flat – they are best characterized as winding and undulating single-track dirt ribbons twisting their way through Michigan's beautiful glacially-carved landscapes of woods and water. These trails are typically primitive in nature and are classed for nonmotorized use only. They allow users to "get away" from the hustle and bustle of the improved infrastructure which they encounter every day, and experience all the solitude and beauty Michigan's natural treasures offer.

We believe many of these natural surface trails often go underrecognized in their importance to Michigan's outdoor cycling recreation and tourism relative to their improved, linear trail cousins. Indeed, as I am sure Representative Dianda on the Committee can attest to, mountain biking and mountain bike trails have been absolutely transformative to travel and tourism in several locations in the Upper Peninsula. To wit, during the past 10 years, natural surface mountain bike trail development in both Copper Harbor and Marquette have resulted in substantive and material economic boosts to these communities, attracting mountain bikers from not only Michigan and the Midwest, but also from the rest of our nation and the world to these trails which are now thought of as some of the most "epic" mountain bike rides in the country.

Not to forget about under the bridge, with its abundance of State-owned land, the Lower Peninsula has one of the highest mountain bike trail densities out of any State in the nation. In northwest Michigan, Glacial Hills Pathway has, in the words of Joe Short, owner of Short's Brewing in Bellaire, "has been a significant economic draw to the area" during all seasons, attracting regular mountain bikers during spring, summer and fall, as well as, fat (tire) mountain bikers in the winter. In Traverse City, on the first weekend in November each year, mountain bikers take over the town when over 5,000 racers with families in tow participate in the Iceman Cometh Challenge, a 27 year old event in the Pere Marquette

State Forest that has become one of the city's institutions. In Grand Rapids and Kalamazoo, mountain biking has perhaps grown as fast as the craft beer economy due in part to great trails on State lands such as Yankee Springs and Fort Custer State Recreation Areas. And finally, in Southeastern Lower Michigan, an emerald necklace of State Recreation Areas spanning from Bald Mountain and Pontiac Lake in the northeast to Pinckney and Waterloo in the southwest attract huge numbers of day-use mountain bikers who are looking to find after-work solace or an outlet for their inner Weekend Warrior in active outdoor recreation available out their backdoor.

Members of the Committee, it is important for you to know that we regularly canvass the matter of the rapidly emerging class of electronic bikes with our mountain biking constituency, and that the overwhelming majority of the group we represent does NOT want to see these types of motorized vehicles on our State's natural surface, nonmotorized single-track trails.

The reasons and rationale for this position are as follows:

**o Potential Adverse Social Impacts & Subsequent Loss of Access for Traditional Mountain Bike Users**

Mountain bikes have only been around in mass production since the mid to late eighties, and didn't really start emerging as a significant portion of the "active outdoors" recreational market until the early part of the nineties. When the Michigan Department of Natural Resources (MDNR) first started seeing these bikes using trails previously only used by hikers and groups of Boy Scouts, they did not know what to make of the use. Could these bikes be damaging trails? Would they endanger foot traffic users? There were more questions than answers. Our organization, the MMBA, was born in 1990 to work with land managers and other stakeholders to help answer some of these questions. For 27 years now our Chapters and their members have tirelessly toiled, putting in tens of thousands of hours into volunteer trail work for the State. Along the way, it became understood that mountain bikers are not that unlike their fellow nonmotorized trail users who traverse these trails by foot. The harsh terrain and elevation changes on most of these trails result in average mountain bike speeds of under 10 mph, and there is a shared ethos in the quiet enjoyment of nature that nonmotorized, self-propelled human powered recreation in the outdoors can bring.

Introducing motors to mountain bikes traversing these trails puts traditional mountain biking at risk and poses a potential danger to all trail users. The mountain biking trails of which I have been speaking are not wide and linear. They are narrow and twisty, with often densely vegetated corridors and quick elevation changes resulting in reduced sightlines. Allowing bikes with motors, whether fully-motorized or pedal-assist, stands to increase average bike speeds on these trails by as much as 10 mph or more. Given the construct of these trails, this type of increase would undoubtedly create user conflict. Upon quick interaction, your average hiker will not be able to discern whether the bicycle that just came at him at 20 mph around the corner was a traditional mountain bike, or, a motorized bike. And, as for classifying these bikes in effort to affect enforcement of speed and motor types? That is but a pipe dream on these often backcountry trails. MDNR has neither the labor nor funding resources to provide for the law enforcement of such a use. As I have stated before, will MDNR Conservation Officers and Rangers travel with mobile dynamometers to measure the wattage output of these bikes to ensure compliance with classification types? This thought is borderline absurd, yet it would be one of the only ways to truly distinguish between classifications. The fear of our user group is that when enforcement

becomes an issue, “lowest common denominator” style land management comes into play – meaning if mountain bike use starts breeding conflict on these trails with no clear basis to distinguish if these bikes are motorized or nonmotorized, land managers may “default” to simply prohibiting wheeled vehicles on these trails.

**o Potential Adverse Environmental and Natural Resources Impacts**

A motor is a motor is a motor. Pedal assist or fully-propelling is a moot point. By definition, a motor uses an energy source existing outside the human body to create force and torque to impart motion. Motorized bicycles produce more force and torque than the human body. While it is perhaps safe to say that these electronic motors typically produce less torque and force than, say, a MX motorcycle with a 250cc gas powered engine, there is not enough empirical data to assess the erosive impact of their higher torque and force on natural surface trails.

A secondary consideration worth noting regarding the environmental impact resulting from motorized bicycles powered by high-powered electronic batteries is the risk of battery explosion or meltdown. On its face, this may sound like a stretch concern, but I will remind the Committee about some recent widespread issues resulting from such batteries, principally the “exploding hoverboard” boom of several years ago, along with last year’s burning issue of the Samsung Galaxy Note 7 smartphones catching fire. Indeed, if you do an internet search for electric bikes burning, you will find numerous examples wherein the batteries on these bikes have caught fire.

So, where does all of this bring us regarding the current slate of bills relevant to legislating motorized bicycle use? As the purview of the MMBA is the use of mountain bikes on true, natural surface trails open to mountain bike use, we will not be opining on the place of motorized bikes on Michigan roadways or improved linear bicycling trails and pathways. Such commentary is best left to advocates from the League of Michigan Bicyclists and the Michigan Trails and Greenways Alliance. With that in mind, we specifically would like to focus on Sec. 72105, Part 2 (C) of HB 4781 which pertains to our user group. This section reads as follows:

15 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, AN  
16 INDIVIDUAL SHALL NOT OPERATE AN ELECTRIC BICYCLE ON A TRAIL THAT IS  
17 SPECIFICALLY DESIGNATED AS NONMOTORIZED AND THAT HAS A NATURAL  
18 SURFACE TREAD THAT IS MADE BY CLEARING AND GRADING THE NATIVE SOIL  
19 WITH NO ADDED SURFACING MATERIALS. A LOCAL AUTHORITY OR AGENCY OF  
20 THIS STATE HAVING JURISDICTION OVER A TRAIL DESCRIBED IN THIS  
21 SUBDIVISION MAY ALLOW THE OPERATION OF AN ELECTRIC BICYCLE ON THAT  
22 TRAIL.

I am here today to generally support this section, as it currently reads, with two caveats.

1. We request that a provision for a public hearing be included before an authority or agency of the State “opts in” to allow operation of electric bikes on this type of natural surface trail.
2. We also request that a three year Sunset Provision be placed on HB 4781 so that the impact of any electronic bike use on Michigan trails and pathways can be appropriately assessed and, if necessary, revised.

The MMBA recognizes that electric bicycles have a place in the realm of transportation, tourism and outdoor recreation in our State. We simply seek to ensure this place is appropriately assessed and defined for the mutual benefit of all Michigan trail users. The good news for those who want to enjoy motorized bicycles on natural surface trails? There are over 3,000 miles of ORV/ATV trails in Michigan. We believe these ORV/ATV trails represent the best fit for motorized bicycles in terms of parity of use.

For more detail and analysis on the MMBA stance on electronic bicycles, please see the attached MMBA E-Bike Position Paper, which was shared with both MDNR and other stakeholder groups in the fall of 2016.

Thank you for your time.

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